

SETTING UP NEW UCJIS USERS

Many steps are involved in setting up a new user, and occasionally mistakes are made, causing a delay in getting UCJIS access for the user. What can you do to help?

If the user is not POST certified, or does not have a Utah Concealed Weapon permit, he/she must submit a 10 print fingerprint card. Please make sure that all mandatory fields on the fingerprint card are filled out. All fields are mandatory except for OCA, Armed Forces Number, FBI number, and Miscellaneous Number.

The fingerprint card must be MAILED to BCI in the same envelope as the Fingerprint Submission Form. Make sure to fill out all fields on the Submission Form.

If the applicant is POST certified, or has a concealed weapon permit, no fingerprint card is needed, but BCI still needs the Fingerprint Submission Form for the user.

Next, go into UCJIS and open up the ADD transaction. Fill out all required fields for the user, and click "Submit User." The user's information has now been entered into BCI's system.

After using the ADD transaction to set up the user, send a "Logon Request Form" to BCI. (This can be faxed to 801-965-4749.)

Also, make sure the e-mail address you enter on the Fingerprint Submission Form and the Logon Activation Form is accurate. Notification about the person's eligibility to access UCJIS will be sent to the e-mail you put on the form.

For an on-line, step-by-step tutorial of the process, go into the TAC web site, choose "BCI Training Presentations," and "New User Checklist."

Also, see the last page of the newsletter for an example of a complete fingerprint card.

2009 TAC CONFERENCE

Thanks to everyone who attended the TAC Conference in St. George! We appreciate your assistance, questions, and ideas. Special thanks also to the speakers and presenters.

Please make sure you take our TAC conference survey – when planning the 2010 conference we will keep your suggestions and requests in mind. (Unfortunately, though, we do not have the budget to hold the conference in Hawaii, or hire Oprah as a guest speaker.)

If you attended the conference but did not get the survey e-mailed to you, please contact your Field Services representative.

2009 TAC TESTING

If you didn't take the TAC test last year...guess what? It's your turn to take the biennial TAC test!

Also – if you have become a TAC in the last year you do need to take the 2009 TAC Test – even if you came to Baseline in the past year and took the Baseline test.

An 80% grade is required on each test. Make-up tests are available if you do not pass a section of the test. You need to take the test for each file your agency accesses.

Links to the tests are available on the TAC web site. We recommend that you print out the test, fill it in as you have time, and then go back into the test and fill in your answers.

BCI will **NOT** accept hard copies of the test unless technical issues and firewalls prevent you from opening the test. If you are unable to access the tests, please let us know what error messages you are receiving.

FINGERPRINTS AND DRIVER PRIVILEGE CARDS

Agencies – if you're fingerprinting someone on a 10-print-card, or for a Right of Access, do not use a Driving Privilege Card as the form of ID. (It states right on the Driving Privilege Card that it is not a valid form of ID.)

Valid forms of identification include government issued picture ID such as Driver Licenses (not Driving Privilege Cards), state issued ID cards, passports, and military ID cards. (This list is not all inclusive.)

Also, BCI will not accept Driving Privilege Cards when issuing Rights of Access to the public, or when fingerprinting individuals on 10-print-cards.

KUDOS TO THE TAC OF THE YEAR

Congratulations to this year's TAC of the Year, Dan Brooks of the Granite District PD.

Dan has provided BCI with valuable insight as a member of the TAC Advisory Board. He has also had excellent BCI compliance audits, provides excellent training to his staff, assists BCI with missing persons cases, and always submits his UCR crime statistics on time.



Congratulations, Dan!

OFF-LINE SEARCHES

Is your agency utilizing NCIC's Off-Line search capabilities?

Don't forget that most NCIC information is based on numeric identifiers – which your agency may not have. Also, not every last piece of information about an individual can be found in the on-line NCIC files.

On March 18, 2008, a homicide investigator with the Oregon State Police contacted the CJIS Division's Investigative and Operational Assistance Unit (IOAU), to request that the IOAU run an NCIC off-line search on a suspect identified in connection with a homicide. The IOAU staff searched NCIC for any queries on the subject from

January 2000 through March 2008. The off-line search revealed that he was released from jail in Washington in 2000. However, the search also revealed queries on the individual by the Imperial County Sheriff's Office in California. Deputies in Imperial County had an address for the man and, with that information, located and arrested him on March 20. He was later extradited to Oregon to face murder charges.

From *The CJIS Link*, Volume 11, No. 3, December 2008/January 2009

eWARRANTS

Court of Appeals invalidates telephonic search warrant due to judge's failure to make and keep a recording.

An officer arrested Dominguez for DUI. Dominguez refused to provide a breath test or perform field sobriety tests. The officer obtained a telephonic search warrant from a judge. However, the judge did not keep a recording of the telephone conversation in which he ordered the officer to conduct a search by drawing Dominguez's blood. The Utah Court of Appeals held that Rule 40 of the Utah Rules of Criminal Procedure requires the judge, not the officer, to retain the recording. The rules provides: "At the time of issuance, the magistrate shall retain and seal a copy of the search warrant, the application and all affidavits or other recorded testimony on which the warrant is based and shall, within a reasonable time, file those sealed documents in court files which are secured against access by the public."

Dominguez did not contest the sufficiency of probable cause. Dominguez simply argued that the judge failed to fully comply with the procedure rule.

The appellate court cited rulings in other courts, including the Court of Appeals for the Tenth Circuit (having jurisdiction in Utah), that held that, "unless there is a clear constitutional violation, non-compliance with [the rule] requires suppression of evidence only where (1) there was 'prejudice' in the sense that the search might not have occurred or would not have been so abrasive if the rule had been followed, or (2) there is evidence of intentional and deliberate disregard of a provision in the rule." Neither of those factors appeared to be present in this case. However, the appellate court noted that this was the first time that a Utah state court had considered the issue and the court predicted that the Utah Supreme Court would require rigid and undeviating compliance with Rule 40. Thus, the

judge's failure to comply with the procedural rule prompted the court to rule that the blood alcohol evidence should be excluded.

The Dominguez case presents a grand irony. Appellate courts have urged officers in Utah to seek search warrants in DUI cases, rather than rely on the exigent circumstances doctrine. Utah law enforcement training officers have responded to the courts' requests and presented training on telephonic search warrants. For now, the impact of the Dominguez decision is that officers will have to assume the risk of the judge complying with the procedural rule by preserving a copy of the recorded conversation in which the telephonic warrant is issued. It is not enough that the officer make and preserve a recording. **Until the rule or statute is changed, or until and if the Supreme Court reviews the Dominguez decision, officers in areas with the availability of e-warrants should use the e-warrant system whenever possible, in place of a telephonic warrant.**

State v. Dominguez, --- P.3d ----, 2009 WL 706662 (Utah App. 2009). (Emphasis added.)

From *Xiphos Special Alert*

BASELINE SCHEDULES CHANGING

BCI has reduced the length of our standard Inquiry Baseline classes in order to help agencies save on per diem and hotel costs. The Inquiry Baseline class which used to run four days has now been reduced to three days.

NOTE: If you are attending the June or July Baseline Class in lieu of attending the TAC Conference, you will need to attend four days instead of three. (June 22-25, or July 27-30.) If you are not attending in lieu of the conference, you will only need to come for the first three days.

Also, if you are sending an operator to the NCIC Entry Baseline please remember that this class is more advanced, and assumes that the student has a basic understanding of UCJIS. Sending students to the Entry class without a basic UCJIS knowledge wastes your agency's time and money and frustrates the student.

BUSTED - BY ST. GEORGE AND IAFIS!

Officers from the St. George PD arrested an individual for driving under the influence on May 13, 2008. St. George officers fingerprinted the man and submitted his prints to the Integrated Automated Fingerprint Identification System (IAFIS). The System identified the man as wanted for homicide by the Los Angeles PD since April 16, 2002. CJIS Division staff notified the wanted and submitting agencies of the identification within 57 minutes of receiving the submission.

From *The CJIS Link*, Volume 11, No. 3, December 2008/January 2009

CONCEALED WEAPONS STATISTICS

In the first quarter of 2009 (January-March) BCI processed 15,389 requests for new Concealed Weapon Permits. In the entire year of 2005 we only processed 10, 435 requests!

For more statistical information on concealed weapon permits and Brady Bill firearm sales information, please see our web site at http://publicsafety.utah.gov/bci/brady_statistics.html

MISSING PERSONS

DAUGHTER STILL SEARCHING FOR MOTHER

Those who remember Stephanie Cook's presentation from the 2008 TAC Conference (and also those who were not there) will be interested in this article from the April 7, 2009 Deseret News. Please notice the updated photo of Bobbi Ann Campbell.

<http://www.deseretnews.com/article/705295674/Daughter-still-searching-for-mom.html>

FORWARD NEWS ITEMS TO: B.C.I., FIELD SERVICES, 3888 W 5400 S, SALT LAKE CITY UT 84118

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APPLICANT		LEAVE BLANK <i>Leave Blank</i>		TYPE OR PRINT ALL INFORMATION IN BLACK								FBI LEAVE BLANK <i>Leave Blank</i>	
				LAST NAME NAM	FIRST NAME			MIDDLE NAME					
SIGNATURE OF PERSON FINGERPRINTED Signature of applicant		AKA Maiden or other alias names								DATE OF BIRTH DOB			
RESIDENCE OF PERSON FINGERPRINTED Home address of applicant		CITIZENSHIP Citizenship country		SEX Sex	RACE Race	HEIGHT Height	WEIGHT Weight	EYES Eyes	HAIR Hair	PLACE OF BIRTH Place of birth			
DATE Date printed	SIGNATURE OF OFFICIAL TAKING FINGERPRINTS Signature of printer		LEAVE BLANK										
EMPLOYER NAME AND ADDRESS Employer name and address		ARMED FORCES NO MNU		CLASS _____									
REASON FINGERPRINTED Reason printed (Law Enforcement logon)		SOCIAL SECURITY NO Social Security #		FBI _____									
		SUBJECT AND BOND MNU											

Don't forget to fill in all mandatory fields! Basically the only fields you can leave blank are the OCA, MNU, FBI Number, and Armed Forces Number fields. The AKA field can be left blank if the individual has never gone by another name.

Remember – forgetting to fill in even one mandatory field can cause a delay in granting UCJIS access to the user!

Also – don't forget to MAIL the fingerprint card to BCI in the same envelope as the Fingerprint Submission Form. Please don't mail the card to BCI and fax the Fingerprint Submission Form.

The cards and forms can be mailed to:

BCI
3888 W 5400 S
TAYLORSVILLE UT 84118